



**TOWN OF HARPSWELL  
PLANNING BOARD MINUTES  
MARCH 7, 2007**  
Approved March 21, 2007

**MEMBERS PRESENT**

John Papacosma, Chairman  
Dorothy Carrier, Vice Chairman  
Joanne Rogers  
Kenneth Cichon  
Robin Brooks

**MEMBERS ABSENT**

**STAFF PRESENT**

Jay Chace, Planner  
Marsha Hinton, Recording Secretary

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The Town of Harpswell Planning Board meeting being duly advertised in the Times Record was called to order at 6:30 pm by Mr. Papacosma, Chairman. Mr. Papacosma read the agenda, explained the hearing process and procedures for the Planning Board meeting.

**Minutes of February 21, 2007**

Ms. Carrier recommended that her comments with regard to the request for the forest management letter due to the sensitivity of the Brunswick Housing Authority's preliminary subdivision review be included in the minutes.

Ms. Rogers moved, seconded by Ms. Carrier, to approve the Minutes of February 21, 2007 as amended.  
Unanimous Approval

**OLD BUSINESS**

**ITEM 1**

07-02-01 Harpswell Boat Repair Associates, Site Plan Review -- Wharf Approval, Commercial Fishing, Tax Map 11-115, 14 Whidden Road, Harpswell.

Mr. James Costello, applicant, expressed his appreciation for the assistance of town staff with regard to this proposal. Mr. Costello described the various low volume marine use businesses planned for this site such as day charter service, boat towing two or three times a year, boat sales/repair, sea trials of boats, and commercial fishing. Mr. Costello gave the recent developmental history and offered to answer the concerns of abutters. Mr. Costello read the February 9, 2007 letter from Clayton Whidden. Mr. Costello discussed the Clarks Shore Road Association, the wharf design, tide flow, proposed businesses, adherence to shoreline and site plan ordinances, drawings of expanded structure, reduction of original volume proposal, and parking space recommendations. Mr. Costello stated that the volume of employees would be reduced from three to two and that outside facilities would be handling the bulk of business and therefore this site would not be handling a high volume. Mr. Costello suggested amendments to the proposal as presented by only having boat repair and commercial fishing as uses and increasing parking to six spaces.

Mr. Richard Tonoli, applicant, explained that this site was going to be more like a hobby for both applicants than a business. Mr. Tonoli described the more stable and environmentally friendly design of the dock. Mr. Tonoli stated that the expanded parking is to keep the roadway clear for the benefit of the abutters. Mr. Tonoli stated that the applicants are not opposed to stipulations imposed by the Planning Board. Mr. Tonoli stated that they would be willing to contribute to the Clarks Shore Road Association as well as contributing toward the snow removal on Whidden Road.

Mr. Papacosma read the letter from Malcolm Whidden Jr. and Karlotta Whidden.

Mr. Chace described the proposal amendments, reduction in wharf size, the floodplain velocity zone, removal of the bait shed, and drawings regarding the additional pilings and supports.

Ms. Barbara Whidden stated that the Clarks Shore Road Association manages the Clarks Shore Road that is used to access Whidden Road but Whidden Road is not part of that association. Ms. Barbara Whidden asked which side was considered the front property line and pointed out Shoreland Zoning Ordinance § 15.7.2. Ms. Barbara Whidden stated that her concern was a safety issue. Ms. Barbara Whidden informed the Planning Board that this site had never been a business.

Ms. Hope Tanguay stated that it is impossible to have enough room to park anywhere in this area and that Whidden Road has nothing to do with the Clarks Shore Road Association. Ms. Tanguay described the varied services required for boat repair and the traffic created by those services.

Mr. Malcolm Whidden stated that his concern with the design of the wharf and asked about who would control the traffic.

Ms. Karlotta Whidden asked to see the documentation with regard to this application so that the abutters would know what is being proposed. Ms. Karlotta Whidden stated that she did not feel the applicant has any right to alter a privately owned road. Ms. Karlotta Whidden informed the Planning Board that because the people who live on Whidden Road use Clarks Shore Road to access Whidden Road that they contribute to the Clarks Shore Road Association but the Clarks Shore Road Association has never maintained Whidden Road.

Mr. Papacosma closed the public portion of the meeting. The Planning Board discussed the adequacy of the road system, amount of parking needed to support the proposed uses, traffic impact, deliveries, boat repair, difficulty of finding the site, use of the site by commercial fishermen, storage of traps, charter services, as well as ongoing protections. The Planning Board discussed parking, erosion control, traffic, stormwater impact to abutters, number of traps stored on the site and what activities will be generating traffic to the site. The Planning Board recommended that the applicant provide more information, with regard to parking, buffering, potable water, an agreement with regard to road maintenance, trap storage, erosion control, quality of stormwater runoff, and maximum allowed uses. Mr. Cichon moved, seconded by Ms. Carrier to table the application of Harpswell Boat Repair Associates, Site Plan Review – Wharf Approval, Commercial Fishing, Tax Map 11-115, 14 Whidden Road, Harpswell. Unanimous Approval

## **ITEM 2**

07-02-02 Gordon & June Warren (Josephine M Warner – owner), Approval of Land Use in the Shoreline Zone, Interior, Tax Map 56-36, Grover Lane, Harpswell.

Mr. Warren described the proposal to build a single family home.

Mr. Papacosma, Chair, opened the floor to members of the public who wished to comment on this application. None being seen, Mr. Papacosma closed the public portion of the meeting.

Mr. Chace pointed out Shoreland Zoning Ordinance §13.1.1. highlighting the special exception for a dwelling unit and accessory structure. The Planning Board reviewed the standards contained in Shoreland Zoning Ordinance §13.1.1. The Planning Board discussed the basement, location, the undeveloped status of the lot, sewage disposal system, slopes, floodplain, ground floor area, setbacks, configuration of the lot, soil erosion, vegetation, elevation of building site, and proximity to wetlands.

Ms. Rogers moved, seconded by Mr. Cichon that the applicant meets the requirements of Shoreland Zoning Ordinance § 13.1.1. Special Exceptions. Unanimous Approval

Board consideration of Basic Land Use Ordinance § 13.4.7

Board consideration of Section 13.4.7 of the Basic Land Use Code

13.4.7.1 Will maintain safe and healthful conditions.

Ms. Carrier moved, seconded by Ms. Rogers to find that the site will maintain safe and healthful conditions. Unanimous Approval

13.4.7.2 Will not result in water pollution, erosion, or sedimentation to surface waters.

Ms. Rogers moved, seconded by Mr. Papacosma to find the applicant meets the requirements of §13.4.7.2. conditioned upon the receipt by the Town Planner of an approved erosion control plan prior to the commencement of any work. Unanimous Approval

13.4.7.3 Will adequately provide for the disposal of all wastewater.

Mr. Papacosma moved, seconded by Ms. Rogers to approve § 13.4.7.3 based upon the applicant's submittal of an approved septic design. Unanimous Approval

13.4.7.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

Ms. Carrier moved, seconded by Ms. Rogers to find that the applicant has met the requirements of 13.4.7.4 because they will not adversely affect the spawning grounds, fish, aquatic life, bird or other wildlife habitat. Unanimous Approval

13.4.7.5 Will conserve shore cover and points of access to inland and coastal waters.

Mr. Papacosma moved, seconded by Ms. Rogers to find that this application will not inhibit access and therefore the applicant has met this requirement. Unanimous Approval

13.4.7.6 Will protect archaeological and historic resources as identified in the Town's Comprehensive Plan, or by the Maine Historic Preservation Commission or the National Park Service.

Mr. Papacosma moved, seconded by Ms. Carrier to find that there are no known archaeological or historic resources identified in the Town's Comprehensive Plan or on the National Parks Services list and therefore the applicant meets this requirement. Unanimous Approval

13.4.7.7 Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries I or II District

Mr. Papacosma moved, seconded by Ms. Carrier to find that this application is not in a commercial fisheries one or two district and therefore this standard has been met. Unanimous Approval

13.4.7.1 Will avoid problems associated with flood plains development and use.

Mr. Cichon moved, seconded by Mr. Papacosma that the application meets the requirements of 13.4.7.8 will avoid problems associated with floodplains development and use because the location of this structure is outside the floodplain zone. Unanimous Approval

13.4.7.9 Is in conformance with the provisions of Section 15, Land Use Standards of the Shoreland Zoning Ordinance.

Mr. Papacosma moved, seconded by Ms. Rogers to find that the applicant has met the space and bulk standards of § 15 of the Shoreland Zoning Ordinance. Unanimous Approval

Ms. June Warren asked if they could change the size of the structure.

The Planning Board discussed the procedure for amending the approved plan. Ms. Rogers moved, seconded by Ms. Carrier to reopen the hearing on the application for Gordon & June Warren (Josephine M Warner – owner), Approval of Land Use in the Shoreline Zone, Interior, Tax Map 56-36, Grover Lane, Harpswell. Unanimous Approval

Mr. Warren stated that they were proposing to change the footprint from 30 x 40 feet to 28 x 42 feet.

The Planning Board discussed the impact of the reduction in size, the location, and the improved setback from the wetland. Mr. Brooks moved, seconded by Ms. Carrier to allow the size of the structure to be changed from 30 x 40 feet to 28 x 42 feet. Unanimous Approval

### **ITEM 3**

07-02-04 BBI Builders, Inc, (Lynn Lockwood – owner), Reconstruction of Non-Conforming Structure, Shoreland Residential, Tax Map 52-108, 33 Laurel Point Road, Harpswell.

Mr. Matt Senecal, BBI Builders Inc., apologized for the oversight with regard to the permit, described the proposal stating that the reconstruction is in the least non conforming area possible, and drew the Planning Board's attention to the letter of Floodplain Map Amendment.

The Planning Board discussed the applicant's compliance with Basic Land Use Ordinance § 10.3.2, discussed relocation of the structure, reviewed the site plan, and number of bedrooms proposed.

Ms. Carrier moved, seconded by Mr. Brooks to find that based on the size of the lot, slope of the land, the potential for soil erosion, the location of other structures on the property and adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, the type and amount of vegetation to be removed to accomplish the relocation, and the physical condition and type of foundation present that in accordance with the site plan submitted the building can not be relocated on the lot at any other location that it already is. Unanimous Approval

Planning Board discussed the applicant's compliance with the standards of § 13.4.7 of the Basic Land Use Ordinance.

Mr. Papacosma moved, seconded by Ms. Carrier to find that based upon the Planning Board's review the applicant has met the requirements of Basic Land Use Ordinance § 13.4.7.1 through § 13.4.7.9. Unanimous Approval

## **NEW BUSINESS**

No new business.

## **OTHER BUSINESS:**

Ms. Carrier addressed the letter from a Harpswell landowner provided in the Planning Board's materials packet. Ms. Carrier stated that she appreciates the individual's desire to keep everyone informed of this situation. Ms. Carrier added that it is a matter for the Code Enforcement Office and does not fall under the Planning Board's authority. Mr. Papacosma agreed that it is an issue for Code Enforcement. Mr. Chace informed the Planning Board that a joint letter was sent from the Code Enforcement Office and the Planning Department to the writer so that they would know that this issue is being addressed.

Mr. Papacosma encouraged the Planning Board members to attend the Maine Municipal Association's Board of Appeals and Planning Board workshops.

Mr. Chace encouraged everyone to attend the Town of Harpswell's Annual Town Meeting this Saturday, March 10, 2007, starting at 10:00 am.

There being no other business before the Planning Board, Ms. Carrier moved, seconded by Ms. Rogers to adjourn.

Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

Marsha M. Hinton  
Planning Assistant